

Law Enforcement Advisory Board Meeting
State House, Room 11, Montpelier
Minutes of Meeting
February 27, 2014

- Chairman Rick Gauthier called the meeting to order at 6:06 pm and gave an introduction about the purpose of the meeting. Introductions of the Board included: Karen Horn, Vermont League of Cities and Towns; Michael O'Neil, representing the Vermont State Police; Major Walter Goodell (representing Colonel L'Esperance); John Treadwell, Attorney General's Office; Paco Aumand, Criminal Justice Services; Rick Gauthier, Executive Director of the Vermont Criminal Justice Training Council; Chief Tom Hanley, Middlebury Police Department representing the Chiefs Association; and non-Board member, Suellen Royea, Administrative Assistant. (The meeting was audio recorded.) Those in attendance from the public included: Rhonda L. Taylor, Jeffrey Dworkin, Dennis Devereux, Theresa Davidonis, Holly Davidonis, Joanna Cole, Donna Sweaney, Allen Gilbert, Barry Kade, Jeff Carr, Ken Stethem, Anne Mook, Mike Henry, James Feelian, and Lori Ziglar.
- The meeting began with the following public comments:

Jeff Dworkin gave a review of the process and conclusions of the Montpelier Committee on Tasers. He highlighted 10 suggestions:

1. The language used in the policy should be tight and should not leave the public vulnerable;
2. Law enforcement officers need more training;
3. If the weapon is to be used, it should be under the standard of imminent/immediate threat;
4. Law enforcement officers should be equipped with body mounted cameras;
5. All tasers should be tested frequently to ensure it is operating properly;
6. All data should be stored indefinitely;
7. Create a citizen review board to review the annual reporting of taser use;
8. Drive stun mode should be prohibited;
9. The enumeration of vulnerable populations should be full and complete; and
10. Language requiring the escalation of use of force should be included in the policy.

A copy of the conclusions was distributed to the Board members. Paco Aumand asked if the citizen review board would be at the local or state level. Mr. Dworkin did not know if it could be a regional or state approach, but noted that the citizen board would have to have all available information available.

Rhonda Taylor, mother of McAdam Mason, spoke about the death of her son, her thoughts and concerns. A copy of her comments can be found attached to these notes. She also had a list of victims that have been killed by tasers since 1983.

Theresa Davidonis, former girlfriend of McAdam Mason, presented her recount of the incident and her fear of law enforcement officers. She wondered why it took so many officers for one person and added that the victim did not make any attempt to attack the police officers during the incident.

Ken Stetham gave a presentation on the technology and tests that could determine if a CEW is properly operating. He felt that the technology was developed and deployed pre-maturely as there are no standards for performance, training, and use of CEW. Mr. Stetham suggested that CEWs be subjected to the same forensic examination as a firearm, and law enforcement receive more training regarding vulnerable populations. He also noted that the RCMP (Royal Canadian Mounted Police) is recognized as having the best practices and policy.

Lori Ziglar spoke briefly about the testimony she heard at a committee meeting about the draft policy and suggested the language/police be consistent with the Supreme Court's decisions. Ms. Ziglar noted that substituting imminent for immediate troubled her. She felt that a policy should set a standard and then be practiced instead of codifying what the practice is. In addition, she reviewed her request for use of force information and the difficulty to obtain the information.

Barry Kade suggested the certification process include a process for de-certification. He also suggested that officers back off in some situations based on a comment made at a prior meeting that law enforcement will win, but it doesn't have to be today.

Rick Gauthier closed the public comment portion of the meeting by thanking everyone for coming and noted their comments are very helpful and will be discussed at length as the Board proceeds. The meeting broke at 7:15 pm and resumed at 7:25 pm with Board members only present.

- Paco Aumand inquired about the process to discuss the issue and advance it to a resolution. He suggested that this be the top of the list for 2014. Rick Gauthier reviewed that a model policy and key elements were created and that the House Government Operations Committee is taking testimony. In addition, John Treadwell noted that some language has been proposed and is consistent with our recommendations.
- Karen Horn asked about the essential components and how comments from the ACLU were being incorporated. John Treadwell noted that we have a draft and we need to resolve those and suggested to identify the critical issues.
- Tom Hanley asked about the status/purpose of future public meetings. Rick Gauthier answered that some of this was to bring public awareness. Rick also noted that there was a request for notice of meetings to be published in local newspapers.

- John Treadwell offered to supply copies of some testimony heard at the legislature.
- Paco Aumand asked about how to move forward on measurement. Major Goodell noted that Rick Smith spoke at the hearing and went point by point and resolved the issues Ken made. There was a suggestion to invite Mr. Smith to the next public meeting. There was some discussion around measurement, measurement devices, the potential financial impact on agencies, and creating a standard for measurement.
- Tom Hanley inquired about the status of the draft. John Treadwell noted that there are some concerns that need to be addressed. There was a question about the timeline. Rick Gauthier noted that if we get a revised draft out in April, we should be okay. Legislature is working on essential components versus a model policy and this will be a topic we will revisit each year.
- Paco Aumand suggested discussing body cameras and a citizen review board in the future. It was noted that the number of uses of force/taser are on the decline, probably due to training and public awareness. Also to be discussed will be the public comments heard.
- Rick Gauthier suggested that we postpone the 2014 Business plan discussion. Paco Aumand noted that the last business plan went through 2014. The next regular meeting is scheduled in April, 2014. The next Public meeting will be March 20, 2014 in Derby and then there will be a public meeting on a Saturday at 10:00 am in Bennington, which is still being scheduled.
- Paco Aumand made a motion to adjourn. The motion was seconded by Mike O'Neil. The meeting adjourned at 7:59 pm.